

OCT 05 2005

JOHN F. CORCORAN, CLERK  
BY: *H. McDonald*  
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
DANVILLE DIVISION

UNITED STATES OF AMERICA

v.

LATERRIO LARAN DAVIS

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:  
: Case No. 4:04CR00013  
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**ORDER OF FORFEITURE AS TO  
INTEREST OF DEFENDANT LATERRIO LARAN DAVIS**

Whereas in Count 2 of the Indictment, the United States sought forfeiture of Defendant's interest in one Bryco .380 caliber semi-automatic pistol, serial number 1292852, as a result of a violation of 18 U.S.C. § 922(g);

And whereas Defendant Davis entered into a Plea Agreement wherein he pled guilty to Count 1 of the Indictment, possession of a firearm by a convicted felon, the unlawful activity giving rise to the forfeiture herein,

And whereas by virtue of said Plea, Defendant acknowledged that the firearm named in Count 2 of the Indictment is subject to forfeiture pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461, as a result of a violation of 18 U.S.C. § 922(g);

And whereas Defendant concurs in the making and entry of this Order prior to sentencing;

**WHEREFORE IT IS HEREBY ORDERED** pursuant to rule 32.2 of the Federal Rules of Criminal Procedure that:

1. Based upon the Indictment filed herein, the guilty plea of Defendant, and the evidence of record, the interest of Defendant Davis in the Bryco .380 caliber semi-automatic pistol, serial number 1292852 is hereby forfeited to the United States.

2. The United States is hereby authorized to seize the firearm and it shall be disposed of in accordance with law, subject to the provisions of 21 U.S.C. § 853(n)(1). No right, title or interest shall

exist in Defendant Davis.

3. The United States and/or its designee shall:

(a) take and maintain custody of the forfeited property;

(b) pursuant to Title 21 U.S.C., § 853(n)(1), cause publication of this order and notice of the United States intent to dispose of the property in such manner as the Attorney General may direct. Said notice shall be published once in a newspaper of general circulation in *The Danville Register & Bee*. The notice shall state that any person, other than the Defendant, having or claiming a legal interest in any of the forfeited property must file a petition with the court within thirty (30) days of the publication of notice or of receipt of actual notice, whichever is earlier. This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or interest in each of the forfeited properties and any additional facts supporting the petitioner's claim and the relief sought;

(c) to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is the subject of the Order of Forfeiture, as a substitute for published notice as to those persons so notified;

4. The United States, at its discretion, shall be accompanied by federal, state, or local law enforcement officers to assist it in the execution of this Order. Pursuant to the All Writs Act, 28 U.S.C. § 1651(a), upon application by the United States of America, the Court shall issue any order necessary to effectuate and prevent the frustration of this Order.

5. Upon adjudication of the ancillary proceeding, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which any third-party interests will be addressed.

6. Upon sentencing, a copy of this Order shall be included in the Judgment and Commitment Order.

7. The Clerk of Court shall certify copies to the U.S. Probation office.

ENTERED this 5<sup>th</sup> day of October, 2005.

  
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SENIOR UNITED STATES DISTRICT JUDGE